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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KAKU LAB CORPORATION,)	Case No. C 07-05297 BZ
)	
Plaintiff,)	FIRST AMENDED COMPLAINT FOR
v.)	COPYRIGHT INFRINGEMENT
)	
HOT TOPIC, INC., a California Corporation;)	
and Does 1 through 20, inclusive,)	Jury Trial Demanded
)	
Defendants)	
)	

Plaintiff KAKU LAB CORPORATION (hereafter "KAKU" or "VOODOO BABY")
alleges that:

JURISDICTION AND VENUE

1. This action arises under 17 USC §101 et seq., as hereinafter more fully appears.
2. This court has jurisdiction over this action pursuant to 28 U.S.C. §§1331, 1338 and 1367.
3. Venue is proper in this district pursuant to 28 U.S.C. §§1391(c) because Defendant HOT TOPIC, INC. ("HOT TOPIC") is a California corporation doing business in this judicial

1 district and division through at least three retail stores in the immediate vicinity of the San Jose,
2 division, including but not limited to Oakridge Mall, 135 Oakridge Mall, San Jose, CA, Valley
3 Fair Mall, 2855 Stevens Creek Blvd., Santa Clara, CA, and Eastridge Mall, One Eastridge Mall,
4 San Jose, CA.

5 INTRADISTRICT ASSIGNMENT

6 4. This action may be correctly assigned to this division based upon the Defendant HOT
7 TOPIC's status as a corporation conducting active retail business in the division. The primary
8 business location of the Plaintiff, KAKU LAB is in Fremont, CA, and on that basis, assignment
9 would be appropriate to either the Oakland or San Jose divisions.

10 THE PARTIES

11 5. Plaintiff KAKU LAB CORPORATION, which markets a series of hand-made string
12 dolls under the "Voodoo Baby" label is a California corporation with its principle place of
13 business in Fremont, California.

14 6. KAKU LAB CORPORATION is the exclusive U.S. licensed distributor and has been
15 assigned the right to enforce the United States copyrights of Saan_ha Limited Partnership (a
16 Thailand Limited Partnership) and its artist-designers Kanya Thuaylai, Tanayot Saihaikum and
17 Taweechas Boontoom, the creators and copyright originators of the registered copyright designs
18 for string dolls listed in Exhibit A, which is incorporated by reference.

19 GENERAL FACTS

20
21 7. Plaintiff KAKU LAB CORPORATION, has spent significant time, effort and expense
22 in order to acquire exclusive distribution rights to Saan_ha's string doll designs. Saan_ha and its
23 artists have created many unique, high quality string doll designs, for which is has registered
24 United States copyrights.

25 8. On or about October 18, 2006, KAKU LAB CORPORATION notified Defendant
26 HOT TOPIC of its copyright ownership in certain string doll designs.

1 9. Plaintiff KAKU LAB CORPORATION is informed and believes that HOT TOPIC
2 continued to market and sell string dolls which infringe on the copyrights of KAKU LAB
3 CORPORATION.

4 10. A list of the registered copyrights that have already issued to Saan_ha's
5 designers/artists is attached hereto as Exhibit A and is hereby incorporated by reference.

6 11. Also included in the list in Exhibit A is a column naming the HOT TOPIC-distributed
7 product that KAKU LAB CORPORATION believes to be infringing, to the extent such names
8 have been indentified by KAKU LAB CORPORATION.

9 12. On information and belief, Defendant has purchased for resale and is marketing and
10 selling infringing "knock-off" products which copy Plaintiff's designs.

11 13. On information and belief Defendant or its agents and suppliers have created
12 derivative works based on Plaintiff's unique, copyright designs, including but not limited to
13 keychains, earrings, necklace pendants and so forth.

14
15 FIRST CAUSE OF ACTION – COPYRIGHT INFRINGEMENT

16 14. Plaintiff incorporates by reference paragraphs one through 13, above.

17 15. KAKU LAB CORPORATION, has spent significant time, effort and expense in order
18 to acquire exclusive distribution rights to Saan_ha's original and unique string doll designs.

19 16. KAKU LAB CORPORATION, has incurred significant expense promoting and
20 marketing its products.

21 17. On information and belief, Defendant has infringed and continues to infringe
22 Plaintiff's right under United States copyright laws by (1) reproducing the copyrighted works
23 without Plaintiff's authorization; (2) distributing copies of the copyright works to the public by
24 sales or other transfers of ownership without Plaintiff's authorization; and (3) creating or
25 distributing unauthorized derivative works without Plaintiff's authorization.

18. Plaintiff is suffering and will continue to suffer irreparable harm as a direct result of Defendant's infringing conduct. Plaintiff is entitled to preliminary and permanent injunctions against Defendant's continuing unauthorized sale, advertising for sale, dissemination and distribution of Plaintiff's copyrighted works.

19. Plaintiff has sustained monetary damages as a result of Defendant's infringing conduct, the precise amount of which will be proven at trial. Plaintiff is also entitled to disgorgement of any profits unlawfully earned and/or received by Defendant as a result of its infringing conduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. For compensatory damages in an amount subject to proof at trial, including prejudgment interest thereon.
2. For reasonable and appropriate damages for willful copyright violation by the Defendant.
3. For a preliminary and permanent injunction against Defendant's continuing unauthorized distribution, sale, advertising for sale, marketing and creation of derivative works based on Plaintiff's copyrighted works.
4. For an order of restitution direction Defendant to disgorge any and all profits unlawfully earned and/or received from the infringing conduct.
5. For an award of attorneys fees and costs against Defendant.
6. For interest to accrue from the date of judgment at the statutory rate (10%).
7. For such other and further relief as the Court deems just and proper.

Dated: February 6, 2008

/s/ _____
Shawn T. Leuthold
Attorney for Plaintiff Kaku Lab Corporation

Exhibit A – Registered Copyrights

Designer	Name of doll (Saan_ha/ Kaku Lab)	Registration	Date of registration	Hot Topics Name
Kanya Thuaylai	Captain Bad / Cap Hook	VA 1-359-090	2/21/2006	
Kanya Thuaylai	Lover Boy/ In Love	VA 1-359-086	2/21/2006	"In Love" VooDoo Friends
Kanya Thuaylai	Judo Sensei/ Konfu Kid	VA 1-359-091	2/21/2006	"Kung Fu Fighter" VooDoo Friends KC Mummy Hrt Eyes
Kanya Thuaylai	Heart Throbber/ Heart Stealer	VA 1-352-918	2/22/2006	
Kanya Thuaylai	Little Prince	VA 1-359-084	2/21/2006	
Kanya Thuaylai	Bella	VA 1-359-092	2/21/2006	
Tanayot Saihaikum	Little Angel/ Angelina	VA 1-359-087	2/21/2006	
Tanayot Saihaikum	Collin the Pirate/ Venturer	VA 1-359-089	2/21/2006	
Tanayot Saihaikum	Sid/ Mr T	VA 1-353-127	2/22/2006	"Misfit" VooDoo Friends
Tanayot Saihaikum	El Diablo/ Demon Guard(Black)	VA 1-352-916	2/22/2006	
Tanayot Saihaikum	Red Devil/ Demon Guard(Red)	VA 1-353-187	2/23/2006	"Prince of Darkness" VooDoo Friends
Tanayot Saihaikum	Crazy Eyes/ Lumi	VA 1-352-917	2/22/2006	
Tanayot Saihaikum	The Vampire/ Dracula	VA 1-359-085	2/21/2006	"Vampire" VooDoo Friends
Taweechas Boontoom	Jo Ninja/ Ninja	VA 1-359-088	2/21/2006	"Ninja" VooDoo Friends
Taweechas Boontoom	Mr. Mummy/ Distracter	VA 1-358-156	2/22/2006	
Taweechas Boontoom	Monster Man/ Frankieheart	VA 1-352-919	2/22/2006	
Taweechas Boontoom	The Zombie/ Voodoo Me	VA 1-353-128	2/22/2006	KC Wht Mummy Pin Heart
Taweechas Boontoom	Punkin/ Mr. Pumkin	VA 1-352-147	2/22/2006	